

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2332 - HB 2470**

March 8, 2014

**SUMMARY OF BILL:** Limits a juror's service on a petit jury to one day per calendar year, unless the juror is selected to serve on a trial or is under consideration to serve in a trial.

Authorizes jurors to select their date of service from available dates.

Authorizes an employer to request a postponement of juror service if the employer employs five or fewer employees and another employee of the employer has previously been summoned to appear during that same period.

Requires summons for jury duty to be sent 30 days prior to the first available date from which a juror may choose to serve; rather than 10 days prior to the fixed date on which the juror must serve.

Creates a Lengthy Trial Fund to fund full or partial wage replacement for jurors who serve on trials longer than 10 days. Authorizes jurors to be paid up to \$200 per day of service, beginning on the eleventh day of trial if the juror's employer pays less than full regular wages when the period of jury service lasts more than 10 days. A court may authorize \$50 per day during the fourth through tenth days of trial as a supplemental wage to be paid to a juror who shows that jury service presents a financial hardship. An attorney filing a civil case must pay a \$10 fee to be deposited in the fund. Government attorneys acting in the course of their official duties, pro se litigants, general sessions cases, cases in juvenile courts, social security disability determination cases, and other cases that involve minimal use of court resources are exempt from the fee.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$861,500/Lengthy Trial Fund**

**Increase State Expenditures – \$3,400/One-Time**

**\$485,200/Recurring/Lengthy Trial Fund**

Assumptions:

- According to the Department of Treasury, the proposed legislation will not significantly impact the Treasury as the funds in the Lengthy Trial Fund will be comingled with other

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pooled investments. The proposed legislation will not require any significant, additional effort on behalf of the Treasury.

- According to the Administrative Office of the Courts (AOC), the proposed legislation will require modification to the Tennessee Court Information System regarding jury compensation. The vendor would need approximately 10 hours to make the necessary changes to the system at a cost of \$3,400.
- The proposed legislation will result in increased state revenue from the \$10 fee paid by attorneys filing suit.
- According to the AOC, there has been an average of 107,682.4 cases filed in probate, circuit, and chancery courts each year over the last five years. It is assumed that 20 percent (21,536.48 cases) will be exempt from paying the \$10 fee. Approximately 86,145.92 cases each year will pay the \$10 fee.
- The proposed legislation will result in an increase of revenue equal to \$861,459.20 ( $86,145.92 \times \$10$ ).
- The proposed legislation will also increase expenditures from paying the jurors' wage replacement.
- It is assumed that there will be two trials per county ( $95 \text{ counties} \times 2 \text{ trials} = 190 \text{ trials}$ ) each year that last more than 10 days. Juries in civil trials consist of 12 jurors. The proposed legislation will result in 2,280 jurors ( $190 \text{ trials} \times 12 \text{ jurors}$ ) receiving wage replacement.
- According to the 2012 census, the average Tennessee resident makes \$26,278. It is assumed that the average juror makes \$26,278. It is assumed that the average Tennessean works 40 hours per week, 50 weeks of the year, for a total of 2,000 hours. The average hourly rate for a Tennessean is \$13.14 ( $\$26,278 / 2,000 \text{ hours} = \$13.14$ ).
- It is assumed that average jurors serving on a trial for more than 10 days will receive a reduced wage from their employers equal to 50 percent of their normal wage ( $\$13.14 \times .5 = \$6.57$ ).
- It is assumed that the average juror makes \$105.12 per day ( $\$13.14 \times 8 \text{ hours}$ ), and \$52.56 each day when the juror serves on trial longer than 10 days ( $\$105.12 \times .5$ ).
- Each juror receives \$10 as the state-paid juror fee.
- Under the proposed legislation, the wage replacement is calculated as follows:
  - Juror's Wage – State-paid Fee – Any Wage Actually Received from Employer
- Each juror will receive \$42.56 in wage replacement ( $\$105.12 \text{ juror's wage} - \$10 \text{ state-paid fee} - \$52.56 \text{ wages actually received}$ ) each day of service over 10 days.
- It is assumed that each juror will serve an average of five days more than the 10 days, receiving a total wage replacement of \$212.80 ( $\$42.56 \times 5 \text{ days}$ ).
- The proposed legislation will result in increased state expenditures of \$485,184 ( $\$212.80 \text{ wage replacement} \times 2,280 \text{ jurors}$ ).
- According to the court clerks, the proposed legislation will not significantly affect the clerks' performance of their duties relative to jurors.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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